

1360

090003508

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER  
VGOB 08-0715-2264

ELECTIONS: UNIT FF-13  
(herein Subject Drilling Unit)

REPORT OF BOARD

FINDINGS AND ORDER

This Supplemental Order is entered by the Board *sua sponte* in the form authorized by the Board at hearings held on February 15, 1994 and June 16, 1992; and this Supplemental Order is being recorded for the purpose of supplementing the Order previously in the captioned matter on October 30, 2008 which was recorded at Document 080004230 in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia, on November 12, 2008, (herein "Board Order") and completing the record regarding elections.

Findings: The Board finds that:

The Board Order directed CNX GAS COMPANY LLC (herein "Designated Operator") to mail copies of the Board Order to all Respondents whose interests, if any, were pooled by the said Board Order;

The Designated Operator filed its affidavit of elections disclosing that it had mailed a true and correct copy of the Board's Order to all Respondents whose interests, if any, were pooled by said Board Order;


The Board Order required each Respondent whose interests, if any, were pooled by the terms of said Board Order to make an election within thirty (30) days after the date of mailing or recording, as applicable, of said Order; the affidavit of elections filed herein and annexed hereto as Exhibit A states: (i) whether each Respondent has made or failed to make a timely election; (ii) the nature of any election(s) made; and (iii) whether, by reason of a failure to elect or to timely elect one or more Respondents are deemed, under the terms of the Board's Order, to have leased all their rights, title, interests, estates and claims in Subject Drilling Unit to the Applicant;

That the affidavit of elections annexed hereto with the Exhibits submitted therewith identifies the Respondent(s) making a timely election, if any; identifies the Respondent(s), if any, who are deemed to have leased; identifies the conflicting interests and claims which require escrow; identifies the interests and claims, if any, requiring escrow under Virginia Code section 45.1-361.21.D.; and identifies the Respondents, if any, who may be dismissed by reason of having leased or entered into a voluntary agreement with the Applicant.

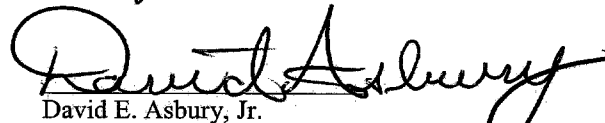
The affidavit of elections indicates whether or not the escrow of funds is required with regard to Unit FF-13;

Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. above and the annexed affidavit of elections with Exhibits thereto, any funds subject to escrow and instructs the Escrow Agent, Wachovia Bank, N.A., VA7515, P.O. Box 14061, Roanoke, VA 24038, Attn: Derrick Dewalt or any successor named by the Board to establish interest bearing escrow account(s), IRS Tax Identification Number 54-1629506, in accordance with the information set forth in the affidavit of elections with Exhibits thereto, to receive funds and account to the Board therefore.

DONE AND EXECUTED this 31 day of August, 2009, by a majority of the Virginia Gas and Oil Board.

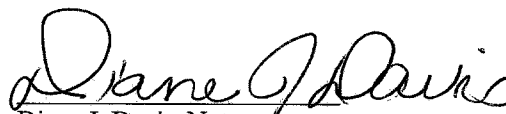
  
Chairman, Bradley C. Lambert

DONE AND PERFORMED THIS 31<sup>st</sup> day of August, 2009, by Order of the Board.

  
David E. Asbury, Jr.  
Principal Executive to the Staff  
Virginia Gas and Oil Board

STATE OF VIRGINIA  
COUNTY OF RUSSELL

Acknowledged on this 31<sup>st</sup> day of August, 2009, personally before me a notary public in and for the Commonwealth of Virginia, appeared Bradley C. Lambert, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, and appeared David E. Asbury, Jr. being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board that they executed the same and were authorized to do so.

  
Diane J. Davis, Notary  
174394

My commission expires: September 30, 2009



VIRGINIA:

Exhibit A

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

Application of CNX Gas Company LLC for Forced Pooling of Interests in CBM Unit FF-13  
VGOB 08-0715-2264 in the Hurricane District of Buchanan County, Virginia

AFFIDAVIT OF CNX GAS COMPANY LLC (herein "Designated Operator") REGARDING ELECTIONS,  
ESCROW AND SUPPLEMENTAL ORDER

Anita D. Duty, being first duly sworn on oath, deposes and says:

That your affiant is employed by CNX Gas Company LLC, as a Pooling Supervisor and is duly authorized to make this affidavit on behalf of CNX GAS COMPANY LLC, the designated operator,

That the Order entered on October 30, 2008, by the Virginia Gas and Oil Board (hereinafter "Board") regarding the captioned CBM Unit required the Applicant to mail a true and correct copy of said Order to each person pooled by the Order;

That within seven (7) days of receipt of an executed copy of the Order referred to at paragraph 2. above, your affiant caused a true and correct copy of said Order to be mailed via the United States Postal Service to each Respondent named in the captioned Application, whose address was known, and to all persons, if any, who were added as Respondents at the hearing held in the captioned matter; that proof of such mailing has previously been tendered to the Division of Gas and Oil, the Office of the Gas and Oil Inspector, at Abingdon, Virginia;

That the Order of the Board in the captioned matter required all persons pooled thereby to tender their written elections to the Unit Operator within thirty (30) days of the date the Order was recorded in the counties identified above; that said Order was recorded on November 12, 2008;

That the designated operator CNX GAS COMPANY LLC has established procedures to review all mail received and all written documents received other than by mail to ascertain whether parties whose interests have been pooled have made a written election, in a timely fashion, as required by the captioned Order; that said procedures were followed to identify the elections, if any, made with regard to the Subject Unit; that the following persons delivered, by mail or otherwise, written elections the Unit Operator, within the thirty day elections period:

None

That Respondents identified in Exhibit B-3 hereto are, having failed to make any election, deemed to have leased their coalbed methane rights, interests and claims to Applicant, all as provided in the Board's Order of October 30, 2008;

See attached Exhibit B-3

That the rights, interests and claims of the following persons are subject to escrow under the Board's Order pooling the captioned Unit, Board Regulations and the Code of Virginia:

See attached Exhibit E

That after the pooling hearing held in the captioned matter, the following persons have leased or entered into a voluntary agreement with the Designated Operator:

None

That to the extent any of said persons listed in Exhibit B-2 have rights, interests and claims which are subject to escrow, they should be dismissed as respondents; the Operator requests that the following persons be dismissed as Respondents:

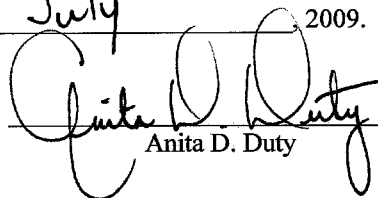
None

That the persons identified in Exhibit EE attached hereto have entered into royalty split agreements that allow the Applicant/Designated Operator to pay them directly without the need to escrow funds which would otherwise be in conflict.

None

That pursuant to the provisions of VAC 25-160-70.A.10. and C. and VAC 25-160-80 the annexed supplemental order sets forth the interests and claims that require escrow of funds pursuant to Virginia Code sections 45.1-361.21.D. and 45.1-361.22.A.3. and 4.

Dated at Bluefield, West Virginia, this 1<sup>st</sup> day of July, 2009.

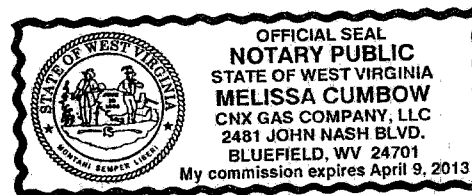
  
Anita D. Duty

STATE OF WEST VIRGINIA  
COUNTY OF MERCER

Taken, subscribed and sworn to before me by Anita D. Duty as a Pooling Supervisor for CNX Gas Company LLC, on behalf of the corporate Designated Operator, this 1<sup>st</sup> day of July, 2009.

  
Notary

My commission expires: April 9, 2013.



PROPERTY LINES SHOWN ON THIS PLAT WERE TAKEN FROM MAPPING PROVIDED BY CNX GAS COMPANY LLC AND DOES NOT REPRESENT A CURRENT FIELD SURVEY.

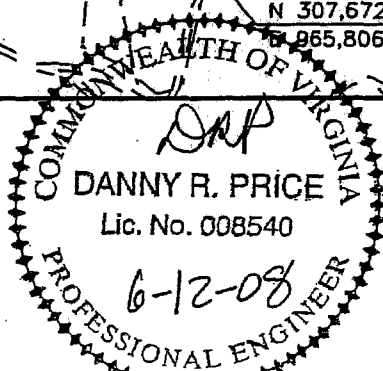
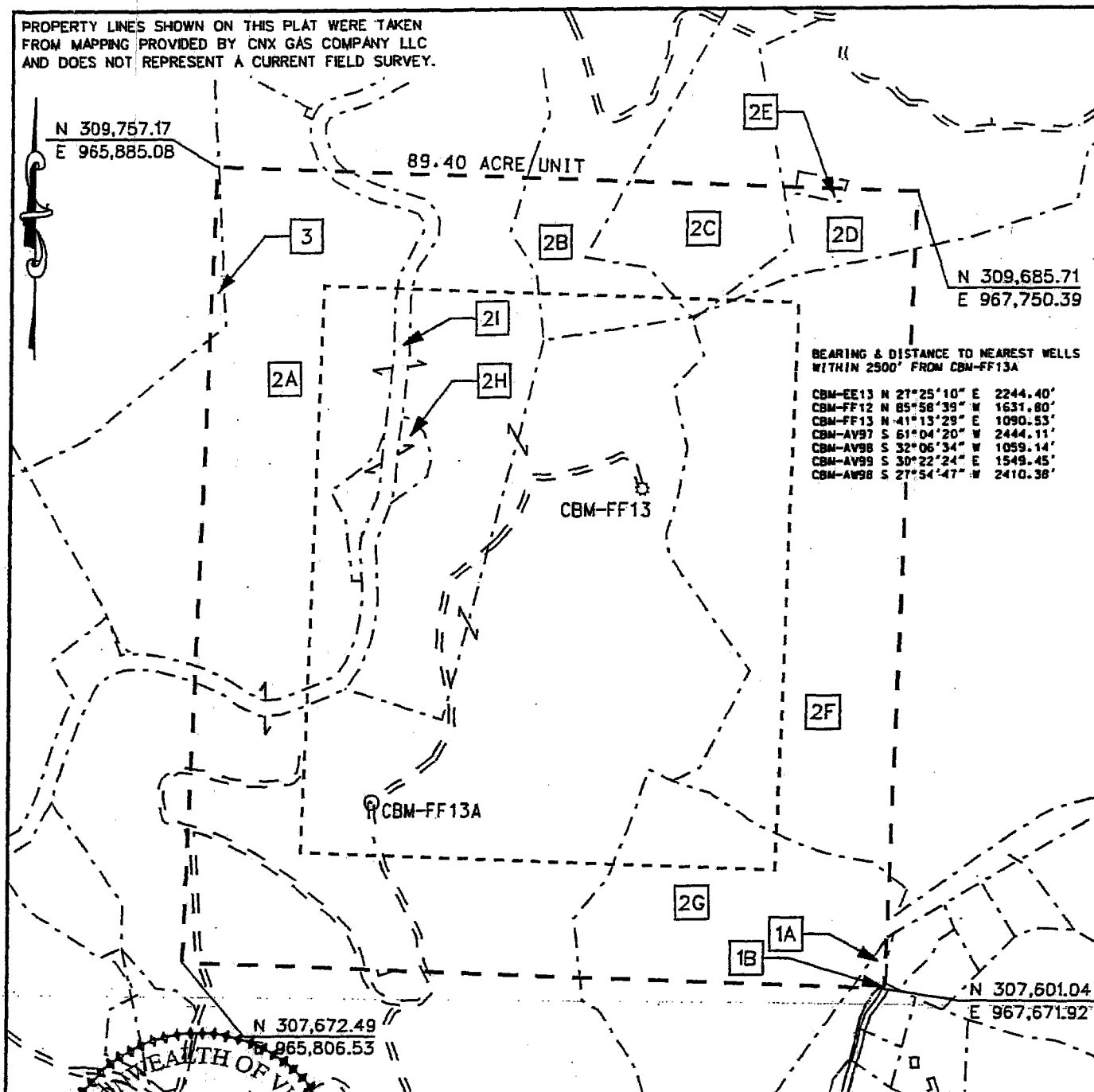


EXHIBIT A  
OAKWOOD FIELD  
UNIT FF-13  
FORCE POOLING  
VGOB-08-0715-2264

Company CNX Gas Company LLC Well Name and Number UNIT FF13  
Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle Vansant  
County Buchanan District Hurricane Scale: 1" = 400' Date 6-12-08  
This plat is a new plat X ; an updated plat \_\_\_\_\_ ; or a final plat \_\_\_\_\_

Form DGO-GO-7  
Rev. 9/91

Danny R. Price  
Licensed Professional Engineer or Licensed Land Surveyor

(Affix Seal)

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# **CNX Gas Company LLC**

## **UNIT FF-13**

### **Tract Identifications**

(89.40 Acre)

- 1A. Harrison-Wyatt, LLC, Big Axe Tr. 3 (318 Acre Tract) – Coal  
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Leased  
Jewell Smokeless Coal Corporation – Coal in Tiller and Above Leased  
CNX Gas Company LLC – CBM Leased  
Clayton Hale, et al – Surface and All Minerals except Coal  
0.13 Acres                      0.1454%
- 1B. Harrison-Wyatt, LLC, Big Axe Tr. 3 (318 Acre Tract) – Coal  
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Leased  
Jewell Smokeless Coal Corporation – Coal in Tiller and Above Leased  
CNX Gas Company LLC – CBM Leased  
Kevin Lee Meadows, et ux – Surface and All Minerals Except Coal  
0.01 Acres                      0.0112%
- 2. Harrison-Wyatt, LLC, Big Axe Tr. 9 (400 Acre Tract) – All Minerals  
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Leased  
Jewell Smokeless Coal Corporation – Coal in Tiller and Above Leased  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
89.04 acres                      99.5973%
- 2A. Lowell D. Ray, et al – Surface Owner
- 2B. Clyde McGlothlin Heirs – Surface Owner
- 2C. Unknown Surface Owner
- 2D. Deladies A. Vandyke, et al – Surface Owner
- 2E. Unknown Surface Owner (Cemetery)
- 2F. Robert Hale, et al – Surface Owner
- 2G. Clayton B. Hale, et al – Surface Owner
- 2H. Unknown Surface Owner
- 2I. Commonwealth of Virginia – Surface Owner
- 3. Harrison-Wyatt, LLC, Big Axe Tr. 55 (24.00 Acre Tract) – All Minerals  
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Leased  
Jewell Smokeless Coal Corporation – Coal in Tiller and Above Leased  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
Jerry Ball, et ux – Surface Owner  
0.22 acres                      0.2461%

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Exhibit B-3  
Unit FF-13  
Docket #VGOB 08-0715-2264  
List of Unleased Owners/Claimants  
(89.40 Acre Unit)

	Acres in Unit	Percent of Unit
<b>II. <u>OIL &amp; GAS OWNERSHIP</u></b>		
<b><u>Tract #1A - 0.13 acres</u></b>		
(1) Clayton Hale, et ux. HC65 Box 15 Rowe, VA 24646	0.13 acres	0.1454%
<b><u>Tract #1B - 0.01 acres</u></b>		
(1) Kevin L. Meadows, et ux. P.O. Box 81 Rowe, VA 24646	0.01 acres	0.0112%

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Exhibit E  
Unit FF-13  
Docket #VGOB 08-0715-2264  
List of Conflicting Owners/Claimants that require escrow  
(89.40 Acre Unit)

	Acres in Unit	Percent of Unit
<b><u>Tract #1A - 0.13 acres</u></b>		
<b><u>COAL OWNERSHIP</u></b>		
(1) Harrison-Wyatt, LLC, Tr.3 c/o Wyatt Buick Pontiac P.O. Box 11000 Danville, VA 24543	0.13 acres	0.1454%
<b><u>OIL &amp; GAS OWNERSHIP</u></b>		
(1) Clayton Hale, et ux. HC65 Box 15 Rowe, VA 24646	0.13 acres	0.1454%
<b><u>Tract #1B - 0.01 acres</u></b>		
<b><u>COAL OWNERSHIP</u></b>		
(1) Harrison-Wyatt, LLC, Tr.3 c/o Wyatt Buick Pontiac P.O. Box 11000 Danville, VA 24543	0.01 acres	0.0112%
<b><u>OIL &amp; GAS OWNERSHIP</u></b>		
(1) Kevin L. Meadows, et ux. P.O. Box 81 Rowe, VA 24646	0.01 acres	0.0112%

INSTRUMENT #090003508  
RECORDED IN THE CLERK'S OFFICE OF  
BUCHANAN COUNTY ON  
NOVEMBER 13, 2009 AT 09:00AM  
BEVERLY S. TILLER, CLERK  
RECORDED BY: NKE

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